IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6051 OF 2005

Imran Akbar Shaikh. ... Applicant.

Versus.

The State of Maharashtra & anr. ... Respondents.

Shri R.P.Javanjal for the Applicant.

Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 7th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that even taking the prosecution case as correct, at the highest section 489C of the Indian Penal Code will apply and therefore, the Applicant is entitled to be enlarged on bail after completion of investigation. The learned A.P.P. submitted that large quantity of fake currency was found in a locker which admittedly stands in the name of the Applicant and looking to the gravity of allegations, the Applicant is not entitled to be enlarged on bail.

3. I have considered the submissions and also perused the investigation papers. The statements of the witnesses indicate that at the instance of the

co-accused, the Applicant kept a bundle of fake currency notes in a locker hired by him. At this stage there does not seem to be any material showing that section 489A or 489B or 489D of the Indian Penal Code are attracted. The Applicant is in custody from November 2004. Possession of counterfeit currency notes will attract section 489C which is a bailable offence. It is true that whether section 489A or 489B will apply is a matter for trial. However, on a prima-facie consideration of the material collected during the investigation, a case is made out for enlarging the Applicant on bail subject to stringent conditions.

4. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.370 of 2005 registered with Santacruz Police Station, subject to furnishing a personal bond of Rs.50,000/- with one or two local sureties.

(ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) Application is disposed of in above terms.

(vi) The parties to act upon an authenticated copy of this order.

Judge.